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10/697,873	10/31/2003	Jurgen Lumera	87400.1542	8996

EXAMINER
FABER, DAVID

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DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	10/697,873	LUMERA ET AL.
Office Action Summary	Examiner	Art Unit	
	David Faber	2178	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 May 2006</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

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DETAILED ACTION

1.   This office action is in response to the amendment filed on 23 May 2006.

2.   Claims 1, 3, 5, 7, 14, and 17 have been amended. Claims 19-30 have been added by the amendment.

3.   The objection of Claims 8-10 has been withdrawn necessitated by the amendment. The rejection of Claims 1-18 under 35 U.S.C. 102(e) as being anticipated by Bowman-Amuah (US Patent #6,434,568) has been withdrawn necessitated by the amendment.

4.   Claims 1-30 are pending. Claims 1, 14, and 17 are independent claims.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims appear to be claiming "software systems", which is computer program per se. Since the computer program is not embodied on a tangible computer readable medium, they appear non-statutory.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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7.   Claims 24 and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention.

8.   Claims 24 and 30 disclose the limitation "the extensible markup language

document is a technical document" wherein the Examiner is unable to find any

explanation or disclosure regarding the use of a technical document in XML. Examiner

acknowledges that the specification discloses Applicant's invention involves the use of

documents, but that does not disclose the documents are technical documents.

9.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

10.   Claims 24 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

As per dependent claims 24 and 30, Examiner discloses the term "technical

document" without any explanation or disclosure of Applicant refers to as a technical

document. Thus, this makes the claim vague and indefinite. Therefore, throughout this

Office Action, Claims 24 and Claim 30 will be viewed as a document.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 1-18, 20, 22, 25, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (US Patent #6,434,568, filed 8/31/1999)

As per independent Claim 1, Bowman-Amuah discloses a system comprising:

- a workflow component (FIG 12)

- a data repository component (FIG 14)

- a media manager component (FIG 11, 13: Discloses a window system that is able to present a web browser, graphics, and forms of multimedia.) modifies metadata associated with the at least one document. (Discloses that Presentation Services enable an application to manage the human-computer interface listing products to enable the component such as Windows OS that contains an interface. The Presentation Services include an Window System (e.g. Window OS) that is connected to a Desktop Manager, a Web browser, etc. (FIG 13) Column 106, lines 54-67) In conjunction with window system of the presentation services, CORBA (Component Framework of the System's Environment (FIG 10; FIG 27; Column 106, line 54 – 67), which is an interface for connecting all components to communicate within a system)

allows the window system to communicate with the media manager component and every other component. Thus, the window system has access to the information component, which includes a Document Services that contains Document Versioning Services. (Column 54, lines 38-40), versioning services maintain a historical record of the changes to a document over time since this records who and made changes to the document. Since metadata is data that describes data, versioning services' historical record is metadata that describes information changes regarding its corresponding document which the record keeping track of. (Column 54, lines 55-62)

- an application server component wherein said application server component is connected to said data repository component, said media manager component and said workflow component. (FIG 12 discloses application services. Since FIG 12 is the server component of FIG 10, which discloses a client-server system, the application services in FIG 12 is an application server component. The workflow and data repository components are connected to the server, thus connected to the application services internally. In addition, Bowman-Amuah discloses an infrastructure for building components so they can communicate within an application and across applications on the same machine or multiple machines to work together. (FIG 27; Column 106, line 54 – 67) Also, Bowman-Amuah discloses the Component Framework of the System's Environment (FIG 10; FIG 27;

Column 106, line 54 – 67) is based on CORBA, which is an interface for connecting all components to communicate within a system. (Column 106, lines 54-67) In conjunction with window system, CORBA allows the window system to communicate with the application server component.)

However, Bowman-Amuah fails to specifically disclose wherein the media manager component integrates at least one document into the documentation system However, Bowman-Amuah discloses "If the Web Application consists of more than just a few HTML documents, integration with a document management system should be considered", thus suggest the use of document integration with a document management system is possible. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Bowman-Amuah's system that includes a media manager component to have include the feature of document integration with a document management system since it would have provided the automated and accelerated the creation, modification and reuse of business documents, Web pages, and other unstructured data and all of the collaborative efforts involved.

As per dependent Claim 2, Bowman-Amuah discloses a system comprising:

- a data repository adapter, and (FIG 14 discloses Database Services that include Database Access Services which enable applications to retrieve data from a database as well as manipulate data in a database (Col. 49, line 55 –

Col. 50, line 9; Column 52, lines 45-48). This disclosure is a form of an

adapter within the Database Services)

- a data repository interface, wherein said repository interface is connected to

said data repository adapter and said application server component. (Column

52, lines 58-63: Discloses to achieve database access requires a Standards

Based SQL API. Using this API with the Database Access Services, the user

is able to access the Database Storage)

As per dependent Claim 3, Claim 3 recites similar limitations as in Claim 1 and 2

and is similarly rejected under rationale. Furthermore, since Database Services (being

an adapter) is connected to Document Services, applications required integration with a

database manager, (Col 50, lines 4-5) and the media manager component through the

interface communication by CORBA and the incorporation of document integration from

Claim 1 included under rationale, the media manager would have operated with

Document Services along with Database Services to have saved the at least one

document and metadata into the data repository (since has access to it) when the

functionality of translating the document and metadata is processed.

As per dependent Claim 4, Bowman-Amuah discloses a system further

comprising:

- a program adapter, and a media manager interface, wherein said media

manager interface is connected to said program adapter and said application

server component. (FIG 10; Column 35, lines 21-38 – Discloses that

Presentation Services enable an application to manage the human-computer

interface listing products to enable the component such as Windows OS that

contains an interface. The Presentation Services include an Window System

(e.g. Window OS) that is connected to a Desktop Manager, a Web browser,

etc. (FIG 13) The Web browser allows users to view and interact with

applications and documents that contain data such as text, graphics and

audio. (Column 39, 53-60) Since, the web browser is connected to the

Window System (e.g. Windows OS) and able to display a form of media, it is

considered a form a media manager interface. Since an OS is a program

consisting of multiple programs, it in inherent that Presentation Services, and

Web Browser Services disclose a form of program adapters since the

services disclose a link to the Window System enabling the programs'

functionality, thus connected to the programs. In addition, Bowman-Amuah

discloses a Component Framework of the System's Environment (FIG 10;

FIG 27; Column 106, line 54 – 67), which is based on CORBA, which is an

interface for connecting all components to communicate within a system. In

conjunction with Window System, CORBA allows the Window System to

communicate with the application server component.)

As per dependent Claim 5, Bowman-Amuah discloses the data repository

adapter maps functionality of the data repository. (Since Database Access Services

enable applications to retrieve data from a database as well manipulate data in a data, wherein this is form of an adapter, so that in order for this functionality to occur, it must be inherently mapped to the data repository.)

As per dependent Claim 6, Bowman-Amuah discloses a system comprising:

- a workflow engine adapter; and a workflow interface, wherein said workflow interface is connected to said workflow engine adapter and said application server component. (Bowman-Amuah discloses the Component Framework of the System's Environment (FIG 10; FIG 27; Column 106, line 54 – 67) is based on CORBA, which is the interface for connecting all components to communicate within a system. Thus, since the workflow component is connected to the Base Services component and the System's Environment on the server (FIG 10), its inherent that since Bowman-Amuah's system is using the CORBA interface, an adapter is presented for the Workflow Services within the Base Services allowing the workflow engines to able to communicate with the application server component.)

As per dependent claim 7, Claim 7 recites similar limitations as in Claim 2 and is similarly rejected. Furthermore, Database Services (adapter) enables an application to retrieve data from a database as well manipulate (insert, update, delete) data in a database. Bowman-Amuah further discloses, SQL, is the primary approach for accessing records in database management systems such as Access Services of

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Database Services. (Column 52, lines 45-48). Therefore, Access Service is a form of a

handler that supports data transformation for read and write operations.

As per dependent Claim 8, Claim 8 recites similar limitations claimed in Claim 2

and is rejected under rationale. Furthermore, Bowman-Amuah discloses:

- one or more data repositories; (FIG 14, 1414)

- a data repository adapter, wherein said data repository adapter is connected

  to said one or more data repositories; and (FIG 14; Column 52, lines 45-48:

  since Access Services is able to access the repository, its connected to the

  repository)

As per dependent Claim 9, Claim 9 recites similar limitations claimed in Claim 4

and is rejected under rationale. Furthermore, Bowman-Amuah discloses a system

comprising:

- one or more programs; (Column 109, 32-42: Lists a number of operating

  systems the system may use.)

As per dependent Claim 10, Claim 10 recites similar limitations claimed in Claim

6 and is rejected under rationale. Furthermore, Bowman-Amuah discloses a system

comprising:

- one or more workflow engines (FIG 12; Column 120, line 12 – Column 122,

  19)

As per dependent Claim 11, Bowman-Amuah discloses a system comprising:

- a publishing component, wherein said publishing component is connected to
  said application server component. (FIG 19; Column 71, lines 49-54. This
  publishing component is apart of Messaging component of the
  communications component on the server. With the use of the CORBA
  framework that allows communications with all components within a system,
  (FIG 10; FIG 27; Column 106, line 54 – 67) the publishing component is
  connected to the application server.

As per dependent Claim 12, Claim 12 recites similar limitations claimed in Claim
11 and are rejected under rationale. Bowman-Amuah discloses a system comprising:

- a publishing adapter; and a publishing interface wherein said publishing
  interface is connected to said publishing adapter and said application server
  component. (Column 71, lines 5-19: The publishing component of Bowman-
  Amuah, Publish and Subscribe, is apart of a Message-Orient Middleware
  (MOM) that is responsible for managing the interface to the underlying
  communications architecture via communications APIs. Thus, the MOM is
  considered an adapter for the publishing component. In addition, the MOM is
  consider is an interface since it has the following capabilities: transferring data
  to the proper data, passing results information and status to the application,
  etc.)

As per dependent Claim 13, Claim 13 recites similar limitations claimed in Claim

12 and are rejected under rationale. Bowman-Amuah discloses a system comprising:

- one or more publishing applications (Column 72, lines 6-9)

As per independent Claim 14, Claim 14 recites similar limitations as in Claim 1

and is similarly rejected under rationale. Furthermore, Bowman-Amuah discloses

a system comprising:

- a data repository component (FIG 14) having a data repository adapter (FIG

    14 discloses Database Services that include Database Access Services

    which enable applications to retrieve data from a database as well as

    manipulate data in a database (Column 52, lines 45-48). This disclosure is a

    form of an adapter within the Database Services) connected to a data

    repository interface; (Column 52, lines 58-63: Discloses to achieve database

    access requires a Standards Based SQL API. Using this API with the

    Database Access Services, the user is able to access the Database Storage)

- a media manager component (FIG 11, 13: Discloses a window system that is

    able to present a web browser, graphics, and forms of multimedia.) having a

    program adapter connected to an media manager interface; (FIG 10; Column

    35, lines 21-38 – Discloses that Presentation Services enable an application

    to manage the human-computer interface listing products to enable the

component such as Windows OS that contains an interface. The Presentation Services include a Window System (e.g. Window OS) that is connected to a Desktop Manager, a Web browser, etc. (FIG 13) The Web browser allows users to view and interact with applications and documents that contain data such as text, graphics and audio. (Column 39, 53-60) Since, the web browser is connected to the Window System (e.g. Windows OS) and able to display a form of media, it is considered a form a media manager interface. Since an OS is a program consisting of multiple programs, it in inherent that Presentation Services, and Web Browser Services disclose a form of program adapters since the services disclose a link to the Window System enabling the programs' functionality, thus connected to the programs. In addition, Bowman-Amuah discloses a Component Framework of the System's Environment (FIG 10; FIG 27; Column 106, line 54 – 67) which is based on CORBA, which is an interface for connecting all components to communicate within a system. In conjunction with Window System, CORBA allows the Window System to communicate with the application server component.)

- a workflow component (FIG 12) having a workflow engine adapter connected to a workflow interface; and (Bowman-Amuah discloses Component Framework of the System's Environment (FIG 10; FIG 27; Column 106, line 54 – 67) is based on CORBA is the interface for connecting all components to

communicate within a system. Thus, since the workflow component is connected to the Base Services component and the System's Environment on the server (FIG 10), its inherent that since Bowman-Amuah's system is using the CORBA interface, an adapter is presented for the Workflow Services within the Base Services to be able to communicate with the components.)

- an application server component wherein said application server component is connected to said data repository component, said media manager component and said workflow component. (FIG 12 discloses application services. Since FIG 12 is the server component of FIG 10, which discloses a client-server system, the application services in FIG 12 is an application server component. The workflow and data repository components are connected to the server, thus connected to the application services internally. In addition, Bowman-Amuah discloses an infrastructure for building components so they can communicate within an application and across applications on the same machine or multiple machines to work together. (FIG 27; Column 106, line 54 – 67) Also, Bowman-Amuah discloses the Component Framework of the System's Environment (FIG 10; FIG 27; Column 106, line 54 – 67) is based on CORBA, which is an interface for connecting all components to communicate within a system. (Column 106,

lines 54-67) In conjunction with window system, CORBA allows the window system to communicate with the application server component.)

As per dependent Claim 15, Claim 15 recites a system for performing the system of Claim 11. Therefore, Claim 15 is similarly rejected under Bowman-Amuah.

As per dependent Claim 16, Claim 16 recites a system for performing the system of Claim 12. Therefore, Claim 16 is similarly rejected under Bowman-Amuah.

As per independent Claim 17, Claim 17 recites a system performing similar limitations of the combinations of Claims 8, 9, and 10 and is similarly rejected under Bowman-Amuah. Furthermore, Bowman-Amuah discloses storing documents (Column 52, lines 44-47; Col. 54, lines 10-32; Col 56, line 65-66); however, Bowman-Amuah fails to specifically disclose storing the documents using extensible markup language. On the other hand, Bowman-Amuah discloses the use of XML documents and its benefits within a database. (Col. 41, line 51 – Col. 42, line 22) It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Bowman-Amuah's system with document storage to include the ability to save XML documents since XML documents would have improved document structure, and make it possible to effectively index and search for information in databases and on the Web.

As per dependent Claim 18, Claim 18 recites a system for performing the system of Claim 13. Therefore, Claim 18 is similarly rejected under Bowman-Amuah.

As per dependent claim 20, Claim 20 recites similar limitations as in Claim 1 and is similarly rejected under rationale. Furthermore Bowman-Amuah comprises a markup

language editor (Column 40, lines 49-53: discloses the use of the Notepad utility to edit

be able to create HTML files, a markup language.

As per dependent claim 22, Bowman-Amuah discloses the data repository

component stores the documents. (Column 52, lines 44-47; Col. 54, lines 10-32; Col 56,

line 65-66) however, Bowman-Amuah fails to specifically disclose storing the

documents using extensible markup language. On the other hand, Bowman-Amuah

discloses the use of XML documents and its benefits within a database. (Col. 41, line 51

– Col. 42, line 22) It would have been obvious to one of ordinary skill in the art at the

time of Applicant's invention to have modified Bowman-Amuah's system with document

storage to include the ability to save XML documents since XML documents would have

improved document structure, and make it possible to effectively index and search for

information in databases and on the Web.

As per dependent claim 28, Claim 28 recites similar limitations as in Claim 7, and

is similarly rejected under rationale.

As per dependent claim 25, Claim 25 recites similar limitations as in Claim 20,

and is similarly rejected under rationale.

As per dependent claim 27, Claim 27 recites similar limitations as in Claim 22,

and is similarly rejected under rationale.

13.   Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Bowman-Amuah (US Patent #6,434,568, filed 8/31/1999) in further view of Alder et al

("Extensible Stylesheet Language (XSL), Version 1.0"; published 10/15/2001, pp 1-14)

As per dependent claim 19, Claim 19 recites similar limitations as in Claim 7 and is similarly rejected under rationale. Furthermore, Bowman-Amuah fails to disclose at least handler uses extensible style language. However, Adler et al discloses the ability on using XML for expressing spreadsheets. Since Database Services acts as a handler that enables to manipulate data into the database, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Bowman-Amuah's system with Database Service to include Adler et al's disclosure of XSL and the use of XSL since XSL would it would have provided designers to express their intentions about how that structured content should be presented; that is, how the source content should be styled, laid out, and paginated onto some presentation medium, such as a window in a Web browser or a hand-held device, or a set of physical pages in a catalog, report, pamphlet, or book.

14.   Claims 21, 23-24, 26, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (US Patent #6,434,568, filed 8/31/1999) in further view of Castro ("XML for the World Wide Web: Visual Quickstart Guide"; published 10/15/2001, pp 1-2)

As per dependent claim 21, Bowman-Amuah fails to specifically disclose the markup language editor comprises and extensible markup language editor. However, Castro discloses that you can write XML with a simple text editor like Windows' Notepad. (pg 1) Thus, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Bowman-Amuah's ability to use

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Notepad program to edit HTML files to include the ability to write XML files since it would have provided the ability to create, view, or edit XML documents without installing additional programs since Notepad is provided with Windows OS.

As per dependent claims 23 and 24, Bowman-Amuah discloses the system has the ability to create a document using a text editor to create HTML files, a document, wherein the files would be stored in the database control by Access and/or Document Services. However, Bowman-Amuah fails to specifically disclose creating at least one XML document. However, Castro discloses that you can write XML with a simple text editor like Windows' Notepad. (pg 1)Thus, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Bowman-Amuah's ability to use Notepad program to edit HTML files to include the ability to write XML files since it would have provided the ability to create, view, or edit XML documents without installing additional programs since Notepad is provided with Windows OS.

As per dependent claim 26, Claim 26 recites similar limitations as in Claim 21, and is similarly rejected under rationale.

As per dependent claims 29 and 30, Claims 29 and 30 recites similar limitations as in Claim 23 and 24, and are similarly rejected under rationale.

Double Patenting

15. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct

from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

16.   Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10738996 in view of Bowman-Amuah (US Patent #6,434,568, filed 8/31/1999). 10738996 recites a workflow component, a data repository component, a media manager component, and an application server component. However, 10738996 fails to specifically disclose said application server component is connected to said data repository component, said media manager component, sand said workflow component. However, Bowman-Amuah discloses the use of application services. (FIG 12) Since FIG 12 is the server component of FIG 10, which discloses a client-server system, the application services in FIG 12 is an application server component. The workflow and data repository components are connected to the server, thus connected to the application services internally. In addition, Bowman-Amuah discloses an infrastructure for building components so they can communicate within an application and across applications on the same machine or multiple machines to work together. (FIG 27;

Column 106, line 54 – 67) Also, Bowman-Amuah discloses the Component Framework of the System's Environment (FIG 10; FIG 27; Column 106, line 54 – 67) is based on CORBA, which is an interface for connecting all components to communicate within a system. (Column 106, lines 54-67) In conjunction with window system, CORBA allows the window system to communicate with the application server component.)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified application 10697873's documentation system with features of Bowman-Amuah's system since Bowman-Amuah's method would have provided a system and method for implementing information services patterns for business operations.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

17. Applicant's arguments on the Claim Rejections under 35 U.S.C. 101 of Claims 1-18 filed 1 June 2006 have been fully considered but they are not persuasive.

In regards to the Applicant arguing Claim 1, 14, and 17 containing statutory subject matter, Examiner disagrees. The data repository component stated may be viewed as just a database, which is data structure. Since the data structure is not being physically disclosed on any hardware which the claim language, it acts as a computer program. In addition, the application server component does not state in the claim language as being an actual server. While Applicant may view an application server

component as a server that contains applications, Examiner views as the component as

an application(s) designed to serve, an application. Thus, Claim 1 is viewed as a

software system.

Please see MPEP 2105 for further reference.

18. Applicant's arguments with respect to claims 1-18 based on the merits of the

claims have been considered but are moot in view of the new ground(s) of rejection.

Arguments addressed in regards to the new limitations of Claims 1-18 brought

forth in the amendment in regards of the media manager component integrates at least

one document into the documentation system modifies metadata associated with the at

least one document has been viewed by the new grounds of rejection of 35 USC 103(a)

under Bowman-Amuah (US Patent #6,434,568)

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David Faber whose telephone number is 571-272-2751.

The examiner can normally be reached on M-F from 8am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

STEPHEN HONG
SUPERVISORY PATENT EXAMINER

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AU 2178